

BERESKIN & PARR

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PTO/SB/01 (12-97)

Approved for use through 9/30/00 OMB 0651-0032
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| | | |
|---|-------------------------------|---|
| DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) | Attorney Docket Number | 9351-21/HSF |
| | First Named Inventor | Cargnelli et al. |
| | COMPLETE IF KNOWN | |
| | Application Number | 09 / 628,929 |
| | Filing Date | July 28, 2000 |
| | Group Art Unit | n/a |
| <input type="checkbox"/> Declaration Submitted with Initial Filing | OR | <input checked="" type="checkbox"/> Declaration Submitted after Initial Filing (surcharge (37 CFR 1.16 (e)) required) |
| Examiner Name | | n/a |

As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

METHOD AND APPARATUS FOR HUMIDIFICATION AND TEMPERATURE CONTROL OF
INCOMING FUEL CELL PROCESS GAS

the specification of which

(Title of the Invention)

☐ is attached hereto
OR☒ was filed on (MM/DD/YYYY) July 28, 2000 as United States Application Number or PCT International

Application Number 09/628,929 and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate, or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? | |
|-------------------------------------|---------|----------------------------------|--------------------------|--------------------------|--------------------------|
| | | | <input type="checkbox"/> | YES | NO |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| | | | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under 35 U.S.C. 119(e) of any United States provisional application(s) listed below

| Application Number(s) | Filing Date (MM/DD/YYYY) | <input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto. |
|-----------------------|--------------------------|--|
| | | |

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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DECLARATION — Utility or Design Patent Application

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

| U.S. Parent Application or PCT Parent Number | Parent Filing Date (MM/DD/YYYY) | Parent Patent Number (if applicable) |
|--|---------------------------------|--------------------------------------|
| | | |

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☒ Customer Number **1059**

OR

☐ Registered practitioner(s) name/registration number listed below

Place Customer
Number Bar Code
Label here

| Name | Registration Number | Name | Registration Number |
|--------------------|---------------------|------------------------|---------------------|
| Daniel R. Bereskin | 22,257 | H. Samuel Frost | 31,696 |
| Richard J. Parr | 22,836 | Philip Mendes da Costa | 33,106 |
| H. Roger Hart | 26,426 | Robert B. Storey | 33,108 |
| David W.R. Langton | 27,747 | John R. Rudolph | 38,003 |
| C. Lloyd Sarginson | 29,245 | Robin L.A. Coster | 38,016 |
| Timothy J. Sinnott | 31,083 | Michael E. Charles | 38,036 |

☒ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

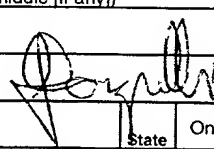
Direct all correspondence to: ☒ Customer Number **1059** OR ☐ Correspondence address below

| | | | | | |
|---------|---------------------|-----------|----------------|-----|----------------|
| Name | Bereskin & Parr | | | | |
| Address | Box 401 | | | | |
| Address | 40 King Street West | | | | |
| City | Toronto | State | Ontario | ZIP | M5H 3Y2 |
| Country | Canada | Telephone | (416) 364-7311 | Fax | (416) 361-1398 |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

| | | | |
|--|---|------------------------|----------|
| Given Name (first and middle [if any]) | | Family Name or Surname | |
| Joe | | Cargnelli | |
| Inventor's Signature |  | | Date |
| Residence: City | Toronto | State | Ontario |
| Country | Canada | Citizenship | Canadian |
| Post Office Address | 18 Fairhaven Drive | | |
| Post Office Address | same | | |
| City | Toronto | State | Ontario |
| ZIP | M9P 2P6 | Country | Canada |

☒ Additional inventors are being named on the ☒ supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

Please type a plus sign (+) inside this box → ☐

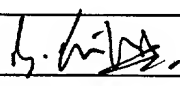
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DECLARATION

ADDITIONAL INVENTOR(S) Supplemental Sheet

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| | | | | | | | |
|---|---|---|---------|------------------------|---------|-------------|--------------|
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | |
| Ravi B. | | | | Gopal | | | |
| Inventor's Signature |  | | | | | Date | 27 Sept 2000 |
| Residence: City | Toronto | State | Ontario | Country | Canada | Citizenship | Canadian |
| Post Office Address | 53 Sunray Crescent | | | | | | |
| Post Office Address | same | | | | | | |
| City | Toronto | State | Ontario | ZIP | M3M 2C6 | Country | Canada |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | |
| | | | | | | | |
| Inventor's Signature | | | | | | Date | |
| Residence: City | | State | | Country | | Citizenship | |
| Post Office Address | | | | | | | |
| Post Office Address | | | | | | | |
| City | | State | | ZIP | | Country | |
| Name of Additional Joint Inventor, if any: | | <input type="checkbox"/> A petition has been filed for this unsigned inventor | | | | | |
| Given Name (first and middle [if any]) | | | | Family Name or Surname | | | |
| | | | | | | | |
| Inventor's Signature | | | | | | Date | |
| Residence: City | | State | | Country | | Citizenship | |
| Post Office Address | | | | | | | |
| Post Office Address | | | | | | | |
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ASSIGNMENT

WHEREAS WE, JOE CARGNELLI and RAVI B. GOPAL, whose full post office addresses are 18 Fairhaven Drive, Toronto, Ontario, Canada M9P 2P6 and 53 Sunray Crescent, Toronto, Ontario, Canada M3M 2C6 have invented certain new and useful improvements in an invention entitled **METHOD AND APPARATUS FOR HUMIDIFICATION AND TEMPERATURE CONTROL OF INCOMING FUEL CELL PROCESS GAS** for which an application for United States Letters Patent was filed on July 28, 2000, serial no. 09/628,929, under the above title,

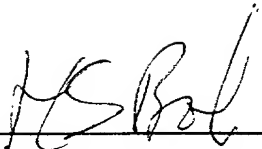
AND WHEREAS **HYDROGENICS CORPORATION**, a corporation of 100 Caster Avenue, Woodbridge, Ontario, Canada L4L 5Y9, has acquired from us our whole right, title and interest for the United States of America and all other countries in and to the said invention and in and to any Letters Patent that may be obtained therefor, and in and to said application,

NOW THEREFORE, in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt of all of which is hereby acknowledged, we, JOE CARGNELLI and RAVI B. GOPAL, by these presents confirm that we have sold, assigned and transferred and do hereby sell, assign and transfer unto the said **HYDROGENICS CORPORATION**, our full and exclusive right to the said invention in the United States of America and all other countries and our entire right, title and interest in and to any and all Letters Patent which may be granted therefor, and our entire right, title and interest in and to said application, and in and to any divisions, continuations, continuations-in-part and extensions of said application, together with the right to claim the benefit of the right of priority provided by the International Convention for the Protection of Industrial Property based on said application for United States Letters Patent.

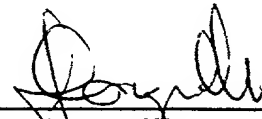
We agree that we will without further consideration do all such things and execute all such documents as may be necessary or desirable to obtain and maintain patents for said invention and for additions and modifications thereto in any and all countries, and to vest title thereto in said assignee, its successors, assigns and legal representatives or nominees.

We hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said **HYDROGENICS CORPORATION**, the assignee of our entire right, title and interest in and to the same, for its sole use and benefit, and for the use and benefit of its successors and assigns, to the full end of the term for which Letters Patent may be granted as fully and entirely as the same would have been held by us had this assignment and sale not been made.

EXECUTED this 27 day of September, 2000, at Windsor, Ont. Ontario.



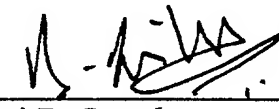
Witness



Joe Cargnelli



Witness



Ravi B. Gopal

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